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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/588,902	06/09/2000	Joseph C. Kawan	CITI0166-US	1623

75127 7590 07/09/2009
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EXAMINER

HAMILTON, LALITA M

ART UNIT	PAPER NUMBER
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3691

MAIL DATE	DELIVERY MODE
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07/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Art Unit: 3691



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/588,902

Filing Date: June 09, 2000

Appellant(s): KAWAN ET AL.

Dawn-Marie Bey
For Appellant

EXAMINER'S ANSWER

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This is in response to the appeal brief filed March 12, 2009 appealing from the Office action mailed June 1, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Sehr US 2001/0018660

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the Appellant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the Appellant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-15, 17-19, 22-24, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Sehr (US 2001/0018660).

Sehr discloses an electronic ticketing system utilizing multi-service visitor cards comprising issuing a locked programmable memory device to a first user, wherein the programmable memory device contains at least the following for formulating payment instructions, network address instructions for an issuer of the programmable memory device, a first user's financial account information, and an encryption program; unlocking the programmable memory device at the first user with a first user's predetermined personal identification number, programming the programmable memory device at the first user to include a first user identification profile and a private/public key pair using the encryption program, issuing software to a second user, wherein the software includes payment information of the second user including a second user's financial account information and further wherein the software is capable of interacting

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with the programmable memory device over the first network, forming a connection between the programmable memory device and the software, receiving across the connection the payment instructions, adding the second user's payment information to the payment instructions, routing the payment information and the payment instructions to the issuer utilizing the network address instructions, and receiving the payment information and the payment instructions, wherein the issuer is capable of accessing at least one of the user's financial account information and a second user's financial account information (fig.4-all; p.9, 75; p.10, 78 to p.11, 80; and p.15, 115); the payment information of the second user further includes a second user's digital certificate (p.16, 117); the first network is the Internet (p.4, 29); the first network is a wireless network (p.4, 39); the network address instructions include at least one of a universal resource locator and a phone number (p.3, 34); authorizing a payment amount read from the payment instructions (p.5, 49); authorizing a payment amount includes requesting via a second network authorization from a first user's financial institution that maintains the first user's financial account information (p.5, 49); the payment instructions further include an encrypted personal identification number recognizable by the first user's financial institution for accessing the first user's financial account information (p.7, 61); the second network is an ATM network (p.5, 49); the second network is the Internet (p.4, 39); the programmable memory device is a smart card (p.5, 49); the first user's financial account information includes the first user's account identifier (p.3, 34); the first user's account identifier includes at least one of an account type and an account number (p.3, 34); the first user's financial account information includes the first user's

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financial institution routing number (p.3, 34); the encryption program contains a private key generated by the issuer (p.15, 115); the second user's financial account information includes the first user's account identifier (p.3, 34); the second user's account identifier includes at least one of an account type and an account number (p.3, 34); the second user's financial account information includes the second user's financial institution routing number (p.3, 34); and receiving verification from the issuer of the programmable memory device that the financial transaction is authorized, and updating a merchant transaction log in the memory portion of the terminal to reflect authorization of the financial transaction by the issuer of the programmable memory device (p.5, 49).

(10) Response to Argument

The Appellant argues that Sehr does not disclose adding the second user's payment information to the payment instructions; routing any payment information and the payment instructions to the user utilizing the network address instructions; routing any payment information or instructions to the issuer of the visitor card; or receiving the payment information and the payment instructions, wherein the issuer is capable of accessing at least one of the first user's financial account information and a second user's financial account information. In response, Sehr discloses:

A method for facilitating a financial transaction over a first network comprising (p.2, 24):
issuing a locked programmable memory device to a first user, wherein the programmable memory device contains at least the following for formulating

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payment instructions (p.2, 24; p.3, 34; and p.15, 115—information relating to security keys and access codes for cryptographic purposes and protection schemes and account numbers with banks or service providers), network address instructions for an issuer of the programmable memory device (p.2, 28 and p.3, 34—database includes name, mailing address/business address, telephone number, and other data about organizer, visitors, and service providers), a first user's financial account information (p.3, 34), an encryption program (p.3, 34—security keys and access codes); unlocking the programmable memory device at the first user with a first user's predetermined personal identification number (p.10, 78—PIN/biometrics information); programming the programmable memory device at the first user to include a first user identification profile and a private/public key pair using the encryption program (p.10-11, 78); issuing software to a second user, wherein the software includes payment information of the second user including a second user's financial account information and further wherein the software is capable of interacting with the programmable memory device over the first network (p.3, 30 and p.6, 56 to p.7, 57—stores financial account information for all users of a card and configurations for the cardholder(s)) and merchant account information); forming a connection between the programmable memory device and the software (p.3, 30 and p.6, 56); receiving across the connection the payment instructions (p.6, 56); adding the second user's payment information to the payment instructions (p.3, 30 and p.6, 56 to p.7, 57); routing the payment information and the payment instructions

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to an issuer utilizing the network address instructions (p.3, 30 and p.10, 78); and receiving the payment information and the payment instructions, wherein the issuer is capable of accessing at least one of the first user's financial account information and a second user's financial account information (p.5, 49 and p.6, 56 to p.7, 57).

The Appellant further argues that Sehr does not disclose storing the payment information in a programmable memory device in a memory portion of the terminal for future processing of the financial transaction or uploading the payment information to the issuer of the programmable memory device for further processing and settlement of the financial transaction. In response, Sehr discloses storing the payment information in a programmable memory device in a memory portion of the terminal for future processing of the financial transaction (p.3, 30; p.4, 41—the information is stored, which may be retrieved at any time in the future due to its storage) and uploading the payment information to the issuer of the programmable memory device for further processing and settlement of the financial transaction (p.6, 56—the payment information is uploaded to facilitate the exchange of electronic debit/credit payment between appropriate entities).

Lastly, the Appellant argues that Sehr does not disclose a programmable memory device issued to a second user for storing information related to the financial transaction. In response, Sehr discloses that the merchant may have their account credited with electronic payments (p.7, 57), which the merchant may have access to through an electronic card.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Lalita M. Hamilton/, Primary Examiner

Conferees:

Vincent Millin /V.M./,

Appeals Conference Specialist TC 3600

Alexander Kalinowski /A.K./,

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